

RESUME OF FINDINGS AND RECOMMENDATIONS

Listed below are the comments and recommendations agreed upon by the members of the Headquarters Board of Survey. Underlined references pertain to the pertinent paragraph in memorandum submitted by the respective office.

1. DD/S Comments:

The Board concurred in the suggestion made by DD/S and recommended that paragraph 5.a.(6)(f) be amended to read as follows: "Amount claimed (value when lost, or cost of repairs substantiated by two estimates or suitable justification when such cannot be obtained)."

2. DD/P Comments:

a. (1.a) The suggestion to add the word "normal" before the last two words of paragraph 1.a. concurred in by all members of the Board.

b. (1.b) Based upon the fact that military regulations and proposed Federal Legislation affecting civilian agencies provide in general that "in order to substantiate payment of claim, it must be determined that possession of the property is reasonable, useful, necessary or proper under the attendant circumstances," the Board recommended that paragraph 4.a. not be changed.

c. (1.c) Suggestion to clarify and qualify the word "luxuries" in paragraph 4.b.(4) was disapproved by all members of the Board.

d. (1.d) The suggestion to add a new sub-paragraph, 5.a.(6)(g), to read as follows: "Submit affidavits of knowledgeable witnesses if possible," concurred in by all members of the Board.

e. (1.e) Based upon the explanation contained in paragraph b. above, all members of the Board agreed that paragraph 5.b.(1)(b) should not be changed.

f. (1.f) The suggestion to adopt a uniform depreciation schedule was concurred in by the Board and it was recommended that paragraph 5.b.(4) be revised to read as follows: "Adopt the current Army depreciation schedule and such other schedules which may be applicable, and with the assistance of the Comptroller apply said schedule to each claim."

g. (1.g) After a general discussion it was recommended by the Board that the word "denied" as applied to action by the Claims Board should be changed to "rejected." The Board then concurred in the suggestion made by DD/P and recommended that paragraph 7 should be

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revised to read as follows: "In cases where a claim has been rejected or disapproved, the individual may appeal, in writing, to the Director, through the Claims Board, within sixty days after receipt of notification that claim has been rejected or disapproved."

h. (2) After considering the suggestion that the regulations should require the Claims Board to act on claims within a specific period of time after receipt, it was the opinion of the Board that the various factors involved in the processing of personal claims preclude the establishing of a firm time limit.

3. Office of Communication Comments:

The members of the Board concurred in the suggestion to revise paragraph 3.a. by the insertion of the words "and/or their survivors" after the words "employee status."

4. Office of Training Comments:

a. (1.a) After consideration, the members of the Board recommended that paragraph 1 should not be changed as suggested.

b. (1.b) After consideration, the members of the Board recommended that paragraph 3.b. should be revised and the words "may be paid" replaced by the words "will be considered."

5. Office of General Counsel Comments:

a. In clarification of the query as to whether the regulation is over-classified, it was stated that all regulations in this series are classified secret.

b. (2.b) After consideration by the Board, all the members recommended that paragraph 1.b. not be changed.

c. (3) As stated in the foregoing paragraph 2.g., relative to comments of the DD/P, the members of the Board recommended that the word "rejected" be used in place of the word "denied" as applied to action by the Claims Board. Based upon the foregoing, paragraph 6.a. should be revised to read as follows: "Claims rejected by the Claims Board as not meeting the requirements of this regulation or claims disapproved by the Deputy Director (Support) will be returned to claimant through normal channels and will contain an explanation as to why claim was rejected or disapproved by the proper authority."

6. Office of Comptroller Comments:

a. (2) The same comment applies as used in paragraph 2.f. above relative to similar suggestion made in paragraph 1.f. of the DD/P memorandum.

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b. (3) In lieu of suggestion made by Comptroller, the Board recommended that paragraph 7. be revised as outlined in paragraph 2.g. above, which concerns comment made in paragraph 1.g. of the DD/P memorandum.

c. (4) Concur in correction of typographical error in subparagraph 5.b.(3), i.e. "his regulation" should read "this regulation."

7. Office of Security Comments:

The Board discussed the suggestion that the proposed regulation be amended to provide instructions for submission of claims not involving a security or cover factor. It was pointed out that an overt "Tort Claim" regulation is being developed by the Office of General Counsel, and it was recommended by the Board that, inasmuch as the [redacted] regulations are considered covert, instructions for the submission of overt claims should be omitted from [redacted]

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8. Office of Logistics Comments:

a. (a.1) In lieu of defining personal property to differentiate such property from government-owned personal property, the members of the Board recommend that the words "personal property" in paragraph 1.a. be revised to read "personally-owned property."

b. (a.2) In lieu of defining Office Heads, the Board was advised by the representative of the DD/S that the proper reference to be used is "Operating Official". The members of the Board recommended that paragraph 3.c. be revised to read as follows: "Claims will be submitted through administrative channels to the appropriate Headquarters Office. After review by the Operating Official to insure completeness of file and conformity to regulations, the complete file will be forwarded to the Claims Board and will include the formal comments and recommendations of the reviewing official. Claims originating at field activities will also include comments and recommendation of the responsible field officer concerned."

c. (b) After a general discussion it was the opinion of the Board that the Comptroller, based on the facts contained in the Claim file, should determine the allotment or project account to be charged for approved claims. The Board recommended that the Office of Comptroller act on this comment.

d. (a) After considering the suggestion to insert the words, "the commercial packer," in the last sentence of paragraph 5.a.(5), it was the opinion of the Board that the sentence, "If the insurance company or the carrier has refused to reimburse the claimant, satisfactory evidence of such refusal must accompany the claim," is not applicable in this regulation and should be deleted in its entirety.

SUBJECT

During the discussions of the comments made by the various offices, the members of the Board agreed that the regulations should be revised to reflect the following additional changes:

- a. The word "normal" should be deleted from paragraph 1.b.
- b. The representative of General Counsel advised that paragraph 5.a.(7) should be revised to read "A statement indicating that claimant knows of the penalty for fraudulent claims, which is a fine of not more than \$10,000 or imprisonment for not more than five years, or both. (18 USCA 287)"

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